Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

To: The Commission

COMMENTS

COMES NOW the National Radio Astronomy Observatory, Green Bank, West Virginia (NRAO), by and through its attorneys, and hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) soliciting input on changes to be made to the Commission's rules to streamline the processing of applications affected by the Quiet Zone rules without damaging the full protections afforded by the Quiet Zone rules.

- 1. The NRAO was established in 1957 and currently operates its radio astronomy observatories from facilities in Green Bank, West Virginia, and Socorro, New Mexico. The NRAO Green Bank facilities are located within the National Radio Quiet Zone (NRQZ), a 13,000 square mile, rectangular area in Virginia, West Virginia and western Maryland created by the FCC "in order to provide maximum practicable protection from interference to radio astronomy measurements." Report and Order in Docket No. 11745, 17 R.R. 1738, 1740 (1958).
- 2. These comments bear in mind the Commission's assurances in paragraph 5 of the NPRM that "[w]e consider protection of the Quiet Zone areas from radiofrequency interference to be critically important" and that the focus of the proceeding is to find ways to "streamline" application processing "so long as the underlying objectives of the Quiet Zone Rules are not compromised." The NRAO also concurs with the Commission's assessment that current coordination procedures are generally successful in protecting the NRQZ from radio frequency interference.
- 3. The NRAO agrees that a part 101 applicant may initiate conditional operation of its facilities prior to the conclusion of the 20-day evaluation period, but only after that the applicant has first obtained written consent from the affected Quiet Zone entity and has demonstrated that its facilities comply with any special conditions (e.g. transmitter power, antenna height above local ground elevation, directional antenna) that the Quiet Zone entity may request of the applicant's operating license.
- 4. Based upon the experience of the NRAO, the duration of the existing 20-day period is a sufficient timescale for the proper evaluation of an application. Any proposal suggesting a reduction in the duration of the evaluation period would place an undue administrative burden on the NRAO and would jeopardize the thoroughness of the application evaluation. Furthermore, an applicant should not feel entitled to a completed evaluation in advance of the 20-day period as a result of any revisions to the Commission's rules that may come about from this NPRM.
- 5. The NRAO supports and actively encourages frequency coordination in advance of the formal filing of an application. The NRAO has routinely conducted informal preliminary evaluations at the request of applicants who anticipate installing facilities within the boundaries of the NRQZ. The preliminary

evaluations not only insure that NRAO's interference concerns are addressed in the development of an application, but are useful to applicants in optimizing facility locations and minimizing site acquisition and development costs. Advance coordination ultimately streamlines the formal application process because NRAO's interference concerns are usually adequately addressed in the preliminary evaluation.

- 6. The informal nature of the preliminary evaluations has been extremely useful in establishing productive dialogue between NRAO and applicants. To preserve the informality and productive dialogue, the NRAO recommends that the Commission's rules simply encourage advance coordination instead of requiring advance coordination on a specific timescale.
- 7. The NRAO strongly believes that cross-references to Section 1.924 of the Commission's rules should be retained to insure that applicants are made aware of the requirement to coordinate with the affected Quiet Zone entity. The NRAO recommends adding cross-references to Section 1.924 to those sections of the Commission's rules that
- govern geographic area licensing (part 90). Currently, applicants in possession of geographic area licenses are not required to notify the Commission of the details and locations of their facilities. But the NRAO needs this information to evaluate the interference potential of facilities installed within the NRQZ. The only way for NRAO to learn of these installations is through the Commission or through direct communication from the applicant.
- 8. Furthermore, the NRAO recommends adding cross-references to Section 1.924 to Section 90.119(b) of the Commission's rules, where applicants are not required to provide site data for control stations. The NRAO needs the site data to evaluate the interference potential of the control stations within the NRQZ. The rules should state that all site data for control stations, including coordinates, should be provided to Quiet Zones for frequency coordination. Recent experience has shown that NRAO needs advance coordination in order to avoid serious potential interference problems.

Respectfully submitted,

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